

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action dated March 21, 2005 are respectfully requested. In that Office Action, the Examiner rejected Claims 18, 26, and 41 under 35 U.S.C. § 112 for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants have amended Claim 18 to provide sufficient antecedent basis for a limitation in the claim. In addition, applicants have cancelled Claims 26 and 41.

With regard to the rejection of the claims based upon the prior art, the Examiner rejects Claims 1-41 under 35 U.S.C. § 102(e) as being anticipated by Iwata.

The Cited Prior Art:

The Iwata reference relates to a signaling technique for establishing a virtual connection in a network. A normal signaling packet is sent from a source user to the network. A first virtual path identifier (VPI) is determined at a first node of the network according to a destination address in the packet. The first VPI is then inserted into the packet and forwarded to the second node, where it determines a second VPI according to the packet's destination address, adds the second VPI to the first VPI in the packet to produce a source route, and forwards the normal signaling packet to a destination user.

The Examiner's Arguments:

The Examiner rejects Claims 1-41 under 35 U.S.C. § 102(e) as being anticipated by the Iwata reference. The Examiner argues that Iwata discloses a method in a computer system for reconfiguring a path between a source node and a destination node. In particular, the Examiner argues that Iwata discloses a method for establishing a first path between the source node and the destination node, providing a virtual address of the first path to a source node for use in transmitting data from the source node to the destination node via the established path, and after providing the virtual address to the source node, establishing a second path between the source node and the destination node so that when the source node transmits data using the provided virtual address, the data is transmitted by the second path rather than by the first path.

Applicants respectfully request reconsideration.

Applicants' Amendments and Arguments:

Applicants have amended independent Claims 1, 15, and 29. In view of the amendments made to Claims 1, 15, and 29, the arguments will be directed towards the Iwata reference.

The Iwata reference discloses a method for establishing a virtual connection in a network. A first path having a virtual address is established between a source node and a destination node. The virtual address is provided to the source node for use in transmitting data from the source node to the destination node via the established path. However, Iwata fails to disclose a method in which the "virtual address and data are stored in a frame that includes a header and a payload." Instead, Iwata simply fails to disclose a method for storing the virtual address and data. In addition, Iwata fails to disclose a method for "establishing a second path between the source node and the destination node so that when the source node transmits data using the provided virtual address the data is transmitted via the second path rather than via the first path." ~~Instead, Iwata simply fails to disclose such a method.~~ The Examiner cited Column 9 (lines 1-5 and lines 40-65), Column 10 (lines 30-40), and Column 12 (lines 35-45). However, the cited portions of Iwata disclose sending a packet back from the destination user to the source user terminal (Column 9, lines 1-5 and lines 40-65), selecting a virtual channel using a virtual path identifier (Column 10, lines 30-40), and the sharing of a source route table by a group of users (Column 12, lines 35-45). Nowhere does Iwata mention "establishing a second path between the source node and the destination node so that when the source node transmits data using the provided virtual address the data is transmitted via the second path rather than via the first path."

The present claimed invention of independent Claims 1, 15, and 29, in contrast, discloses a method for "establishing a second path between the source node and the destination node so that when the source node transmits data using the provided virtual address the data is transmitted via the second path rather than via the first path." In addition, Claims 1, 15, and 29 have been amended to recite, among other limitations, a

method in which the "virtual address and data are stored in a frame that includes a header and a payload." Iwata fails to disclose such a method. For at least this reason, Claims 1, 15, and 29 are patentable over Iwata.

Since independent Claims 1, 15, and 29 are allowable, the claims that depend on Claims 1, 15, and 29 are likewise allowable. For at least this reason, Claims 2-14, 16-28, and 30-41 are patentable over Iwata.

In view of the foregoing, the pending claims comply with 35 U.S.C. § 112 and are patentable over the cited art. The applicant accordingly requests reconsideration of the application and a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8000.

Respectfully submitted,
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